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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,143	03/29/2001	Colin I'Anson	30003027 US	4254

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[REDACTED] EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
	2683

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/821,143	I'ANSON ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) 1,2,4-8 and 10 is/are withdrawn from consideration.
- 5) Claim(s) 11 and 12 is/are allowed.
- 6) Claim(s) 3,9,13-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 3,9 and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ericsson et al. (U.S. Patent 5,956,637), newly recited reference.

The claimed invention reads on Ericsson et al. as follows:

Regarding claims 3 and 9, Ericsson et al. discloses a method (fig. 2) of deriving location information about a first entity

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(transceiver) (mobile station) (fig. 1a number 108) forming one endpoint (fig. 1a) of an actual or potential communication path at the other end of which is a second entity (1) (fig. 1a), the path extending at least in part through a fixed communications infrastructure (fig. 1a and col. 6 lines 1-20), said method comprising the steps of: (a) identifying a first intermediate node (fig. 1a number 3) that lies along said path and is internal to the fixed communications infrastructure (fig. 1a); (b) accessing information about the geographic significance of said first intermediate node (col. 6 lines 1-20) taking into account the identity of a second intermediate node (fig. 1a number 7) that lies in said path downstream of the first intermediate node when considered in a direction along said path towards said first entity (col. 6 lines 1-20), and using the geographic significance information accessed in step (b) to provide said location information about the first entity (col. 6 lines 1-20). Ericsson et al. further discloses a radio telephone communication system (fig. 1a).

Regarding claims 13 and 14, Ericsson et al. discloses a system (fig. 1a) for deriving location information about a first entity (transceiver) (mobile station) (108) forming one endpoint

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(fig. 1a) of an actual or potential communication path at the other end of which is said system (fig. 1a number 1), the path extending at least in part through a fixed communications infrastructure (fig. 1a), the system comprising: a data store (directory store) holding information about the geographic significance of internal nodes of the fixed communications infrastructure (col. 6 lines 1-20), with respect to directions of traversal of the nodes (col. 6 lines 1-20); a node-discovery subsystem for identifying one or more said nodes that lie along said path intermediate the system and the first entity (col. 6 lines 1-20), and a data-processing subsystem operative to look up, in the data store (col. 6 lines 1-28), geographic significance information regarding at least one said intermediate node (nodes 1,2,7,15) identified by the node discovery subsystem (col. 6 lines 1-28), the geographic significance information concerned relating to a direction of traversal of the node in a direction along said path towards said first entity (down stream) (fig. 1a number 106) and this information being used by the data-processing to provide said location information about the first entity (col. 6 lines 1-28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson et al. in view of Wang.

Regarding claim 15, Ericsson et al. discloses a system as discussed supra in claim 13 above. Wang differs from claim 15 of the present invention in that it does not disclose said path is at least in part through an IP network, and the node-discovery subsystem is operative to effect node discovery by causing time-to-live timeouts. Wang discloses said path is at least in part through an packet network, inherently known in internet IP networks, taught in col. 3 lines 63-67) and the node-discovery subsystem is operative to effect node discovery by causing time-to-live timeouts (i.e. the transceiver location is stored in memory, once the transceiver moves the memory is updated, as taught in col. 20 line 19-61 and col. 21 line 39 through col. 22 line 37) at successive nodes along the path (col. 20 line 19-61 and col. 21 line 39 through col. 22 line 37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ericsson et al. with said path is at least in part through an IP network, and the node-discovery subsystem is operative to effect node discovery by causing time-to-live timeouts in order for the system to provide a data connection location finding service to a calling party and for the system to update its data node directory when the mobile station moves into a different area, as taught by Wang.

Allowable Subject Matter

6. Claims 11 and 12 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 11, the prior art of record fails to teach or suggest, alone or in combination "repeating steps (a) to (c) multiple times for different first entity locations and thereafter consolidating for each node, the associated location data into location zone data constituting said geographic significance data for the node".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
July 11, 2005

